IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12897 of 2004

Between:

T. Nageswar Rao, S/o. T. Bhadraiah,
R/o. H.No. 295, Naspur Colony, Macherial, Adilabad District.

..... PETITIONER

AND

1 Singareni Collieries Co. Ltd. Kothagudem, Khammam District,
rep by its General Manager (Projects)
2 Project Officer, Chennur Group of Mines,
Singareni Collieries Co. Ltd. Srirampur Projects, Adilabad District.
3 Superintendent of Mines, Singareni Collieries Co. Ltd.
Chennur 2 Incline, No. 8 Incline Srirampur Projects, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the respondents in reverting the petitioner to the post of General Mazdoor from Clerk Grade-III post vide proceedings Ref.No. CRP/PER/PM/3208/803 dated 20-05-2002 as illegal, arbitrary and unjust, and consequently direct the respondents to restore the post of Clerk Grad-III to the petitioner on par with others duly taking into S.S.C. certificate into consideration as per the settlement dated 31-7-1997.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.N.KRISHNA RAO

The Court made the following :

ORDER:

The petitioner entered the service of the respondent-Collieries as Badli worker in RK-I Incline on 30.03.1982. He was appointed as a General Mazdoor in Singareni Collieries Company on 14.09.1985. Petitioner and others were engaged as Clerks to discharge the duties of Clerk due to shortage of clerical staff at RK-8 Incline vide proceedings, dated 31.12.1986. Since then, the petitioner has been working as a Clerk without any blemish. The petitioner contends that as per the Circular, dated 28.01.1999, the employees, who have completed 7 or 8 years of service or more as on 01.01.1996 in their present category, are entitled to up-gradation to the next higher category. The General Manager of Srirampur (Projects) area issued Office order, dated 30.04.1999, up-grading the employees to the next higher post, who have completed 8 years of service. The name of the petitioner was also placed at Sl.No.65 in the said list and he was up-graded to category-II SLU with effect from 01.01.1996 notionally and with monetary benefits from 01.01.1997. Petitioner further submits that a settlement has been entered into between the management of Singareni Collieries Company, Kothagudem, and their workmen under Section 12 (3) of Industrial Disputes Act, 1947, wherein the management has agreed to consider the cases of the employees, who are acting as Clerks for regularization in the said posts. The eligible criteria for promotion to the post of Grade-III Clerk is that one should pass Intermediate/S.S.C. or Matriculation, subject to assessment report and interview. He further contends that he passed S.S.C. examination in May 1973 and also appeared for Intermediate examination in May, 1975, however, he failed in the said examination. Thereafter, he appeared for B.A. examination from Andhra University. He made an application to the respondents for the post of Grade-III Clerk, and was selected on the basis of assessment report and interview and was appointed to the post of Grade-III Clerk, through the order, dated 22.10.1999, subject to medical fitness. After medical fitness, he was issued the proceedings No. P(PM)/4/3208/685 dated 04.05.2000 duly mentioning that he has been appointed as Grade-III Clerk with effect from 08.11.1999. Subsequently, on 20.05.2002, the third respondent issued an order reverting the petitioner as General Mazdoor with immediate effect on the ground that the certificate produced by him is found to be non-genuine and faked one. Subsequently, the third respondent issued proceedings on 29.05.2002 relieving the petitioner from Office of RK-8 Incline and directed to report to the General Manager, Srirampur (Projects) Area on 30.05.2002 for work and placement. Petitioner subsequently made a representation to the respondents by producing S.S.C. certificate and requested to promote him to the post of Grade-III

Clerk. The respondents did not pass any order on the said representation. Basing on the enquiry report, proceedings dated 23.02.2004 were issued reverting the petitioner to the lower stage in the present scale of pay by reducing one increment with cumulative effect from 01.01.2004. Subsequently, he made an appeal to the Director (PA& W) S.C.C. Limited, Kothagudem, requesting to consider his appointment to the post of Grade-III Clerk, but, no action was taken by the respondents. Subsequently, he also made representations on 10.12.2003 and 12.04.2004, but no orders have been passed. He therefore, approached this Court seeking a Writ of *Mandamus* declaring that the order of reversion passed by the respondents, vide proceedings, dated 20.05.2002, is illegal, arbitrary and unjust and consequently, to direct the respondents to restore the post of Grade-III Clerk to the petitioner on par with others.

The learned counsel for the petitioner drew attention of this Court to the memorandum of settlement, dated 31.07.1997, entered into between the management and the representatives of the Workers Union, wherein, as per condition No.3 a pass in Matriculation is sufficient to consider the eligibility of the candidates for the post of Grade-III Clerk subject to the assessment report and interview. He further submits that since the minimum qualification that is required for appointment as Grade-III Clerk is possessed by the petitioner, the respondents committed illegality in passing the order, dated 20.05.2002 by observing that the degree certificate produced by the petitioner is not a genuine one and accordingly, he was reverted to the substantive post as General Mazdoor with immediate effect. He also submitted that the genuineness or otherwise of the degree certificate has no relevancy in the present case, since the petitioner acquired minimum required qualification for the post of Grade-III Clerk.

In the light of the circumstances explained by the petitioner and also as per the Rules, the first respondent is, therefore, directed to pass appropriate orders on the representations made by the petitioner including the representation dated 12.04.2004, within a period of two months from the date of receipt of this order.

Writ petition is accordingly disposed of. No order as to costs.

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G.YETHIRAJULU,J

klp

To

1. General Manager (Projects) Singareni Collieries Co. Ltd. Kothagudem, Khammam District,
2. Project Officer, Chennur Group of Mines,
   Singareni Collieries Co. Ltd. Srirampur Projects, Adilabad District.
3 Superintendent of Mines, Singareni Collieries Co. Ltd.
   Chennur 2 Incline, No. 8 Incline Srirampur Projects, Adilabad District.

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